

REMARKS**Double Patenting**

The Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting over claim 18 of co-pending Application No. 10/292,607. That rejection is traversed. Nevertheless, applicant has cancelled claim 18 from the co-pending application concurrently with the filing of this amendment. Thus, the double patenting rejection is moot and should be withdrawn.

Claim Rejections – 35 USC §102

The Examiner rejected claims 1, 2, 4, 5 and 7 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,942,975 to Sorensen. Those rejections are traversed because Sorensen, among other things, does not disclose or suggest a contact detection system "adapted to distinguish contact between the cutter and the person from at least one other event generating a comparable amount of change in the at least one property based on the time during which the change in the at least one property occurs," as required by the claims. There is no disclosure in Sorensen of a system to distinguish contact based on the time during which a property changes, and therefore, Sorensen cannot anticipate applicant's claims.

Claim Rejections – 35 USC §103

On page 4 of the last Office Action the Examiner said he rejected claim 3 under 35 U.S.C. §103(a) in light of Sorensen, but then on page 6 of the same Office Action the Examiner said claim 3 would be allowable if rewritten in independent form. Applicant requests clarification of the Examiner's position.

The Examiner rejected claim 6 under 35 U.S.C. §103(a) in light of to Sorensen combined with U.S. Patent No. 6,366,099 to Reddi. That rejection is traversed because Sorensen fails to teach or suggest all the limitations of claim 6 and obviousness cannot be established unless the cited references teach or suggest all the claim limitations. MPEP 2143.03. Moreover, claim 6 further says "the at least one other event is contact between the cutter and green wood." Neither Sorensen nor Reddi teaches or suggests distinguishing contact between a cutter and a person from contact between the cutter and green wood. Nevertheless, the Examiner says, "it would have been obvious to one skilled in the art to set the sensitivity of the device of Sorensen to be able to distinguish between an event when green wood contacts the cutter from an event where a human touches the cutter in order to prevent misfiring of the braking system." (Office Action, 5.) That statement, as far as it is understood, does not accurately describe Sorensen. There is no sensitivity setting in Sorensen that may be set to distinguish contact between a person and the blade from contact between green wood and the blade. Moreover, contact with green wood may create a comparable amount of change in the signal, so simply adjusting sensitivity, as the Examiner's use of that phrase is understood, would not work to distinguish the two contacts. Something more is needed, and that is why applicant's claims include a limitation concerning the time during which the change occurs. Sorensen and Reddi both fail to teach or suggest any system to distinguish green wood from human contact based on the time during which a signal changes, and therefore the combination of those references cannot render claim 6 obvious.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as obvious in light of Sorensen combined with U.S. Patent No. 3,858,095 to Friemann. That rejection is traversed. Nevertheless, applicant has cancelled claim 8 without prejudice in order to simplify the issues on appeal. Applicant reserves the right to pursue claim 8 or other similar claims in the future or in other applications.

CONCLUSION

Applicant requests that this amendment be entered in order to simplify the issues on appeal. Please call the undersigned with any questions.

Respectfully submitted,

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Date: October 18, 2004



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